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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 21185 of 2003

Between:

A.G.Kuria Kose (No.740300411), S/o A.G.Gervasis,
Battalion RAF, Hakimpet,
Secunderabad.

..... PETITIONER

AND

1 The Director General of Police,
Central Reserve Police Force, Lodhi Road,
New Delhi-110 003.
2 The Inspector General of Police,
Rapid Action Force, R.K.Puram,
New Delhi.
3 The Dy.Inspector General of Police,
Rapid Action Force, R.K.Puram,
New Delhi.
4 The Commandant, No.99, Batallion,
RAF, Hakimpet, Secunderabad.
5 P.S.Sharma, Asst.Commandant-cum-Second in Command, No.99, Battalion,
Rapid Action Force, Hakimpet,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction, more particularly one in the nature of writ of mandamus, declaring the signal message No.T IX-10/2003 dated 24-09-2003 of the 2nd respondent and as well as the order No.T.IX-6/03/RAF/Ec.II dated 24-06-2003

of the 3rd respondent in so far as it relates to the petitioner as arbitrary, discriminatory and illegal and consequently set aside the same, and direct the respondents to continue the petitioner in No.99 Battalion RAF, Hakimpet till he completeshis normal tenure or alternatively direct the respondents to retain the petitioner at No.99 Battalion RAF, Hakimpet till completion of the academic year 2003-04 and with all other consequential benefits monetary and otherwise.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent No. 1 to 5: MR.P.PANKAJ REDDY, Standing counsel for Central Government.

The Court made the following :

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W.P.No.21185 OF 2003

ORDER:

1. Heard learned counsel on either side.

2. Petitioner filed this present writ petition assailing the order of transfer from No.99 Battalion to No.106 Battalion.

3. It is the case of the petitioner that he was selected to the RAF by screening committee and he has been working since 5-9-1974 in various Battalions all over India. When the 1st respondent called for service particulars of all the personnel, who completed their normal tenure in RAF Battalions, for annual change, his name was not mentioned, as he was not due for transfer. Surprisingly, the 3rd respondent passed orders dated 24-6-2003 transferring him from No.99 Battalion to 106 Battalion. In this connection, he submitted an application to the 3rd respondent for cancellation of his transfer orders. But the same was rejected. Thereafter, he submitted another application to the 2nd respondent for the very same relief. In the meanwhile, he filed WP No.16989 of 2003. Though this Court granted interim orders directing the 2nd respondent to consider his representation, the same was rejected on 24-9-2003, as devoid of merits. Hence, this writ petition.

4. A counter-affidavit has been filed by the respondents stating that a person selected to RAF has to undergo certain special training and will be allowed to serve in the RAF normally for three years extendable up to five years. The three years period is already over in the case of the petitioner and therefore he was transferred to 106 RAF Battalion *vide* order No.T.IX-6/03-RAF-EC-II, dated 24-06-2003. The petitioner gave representations to the authorities concerned, for cancellation of his transfer and requesting to continue him at 99 Battalion for one more year. It is further stated that the said period of one year is already expired by 25-06-2004 and pursuant to the directions of this Court, in the earlier writ petition, the case of the petitioner was considered and again the authorities passed the impugned order transferring him from 99 Battalion to 106 Battalion.

5. This Court, while issuing notice before admission, by order dated 26-09-2003, directed to maintain the status quo, as regards the transfer of the petitioner pending further orders.

6. Learned counsel appearing for the petitioner submits that without going into the merits of the case and competency of the concerned authority to transfer the petitioner, the petitioner restricted his claim stating that he will abide by the order of transfer, but requested that he may be retained in the same place till 4th October 2004 so as to enable him to take his salary.

7. Accordingly, the writ petition is disposed of with a direction to the respondents to continue the petitioner till 4th October, 2004 and he may be relieved on that day so as to enable him to join at the place of transfer. No order as to costs.

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29-07-2004

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To

1 The Director General of Police,
Central Reserve Police Force, Lodhi Road,
New Delhi-110 003.
2 The Inspector General of Police,
Rapid Action Force, R.K.Puram,
New Delhi.
3 The Dy.Inspector General of Police,
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6. Two CD copies.